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MBH ARCHITECTS, INC. aka McNULTY
BRISKMAN HEATH

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

BOVIS LEND LEASE, INC. as assignee
of LNR-LENNAR BRANNAN STREET,
LLC,

Plaintiff,

vs.

MBH ARCHITECTS, INC. aka
McNULTY BRISKMAN HEATH and
DOES 1 through 150, inclusive,

Defendant.

MBH ARCHITECTS, INC. aka
McNULTY BRISKMAN HEATH,

Cross-
Complainant,

vs.

LNR-LENNAR BRANNAN STREET,
LLC, and ROES, 1 through 150,
inclusive,

Cross-
Defendant.

CASE No. C 07-05262 JSW

**MBH ARCHITECTS, INC.'S PROPOSED
NINTH CIRCUIT/CACI JURY
INSTRUCTIONS**

Judge: Hon. Jeffrey S. White
Trial Date: April 20, 2009

Ninth Cir. Manual of Model Jury Instructions No.	Instruction
	INSTRUCTIONS ON THE TRIAL PROCESS
1.1A	Duty Of Jury
1.1C	Duty Of Jury
1.2	Claims And Defenses
1.3	Burden of Proof – Preponderance Of The Evidence
1.6	What Is Evidence
1.7	What Is Not Evidence
1.8	Evidence for Limited Purpose
1.9	Direct and Circumstantial Evidence
1.10	Ruling on Objections
1.11	Credibility of Witnesses
1.12	Conduct of Jury
1.14	Taking Notes
1.19	Outline of Trial
	INSTRUCTIONS ON TYPES OF EVIDENCE
2.2	Stipulations of Fact
2.8	Impeachment Evidence
2.10	Uses of Interrogatories of a Party
2.11	Expert Opinion
2.12	Charts and Summaries Not Received Into Evidence
2.13	Charts and Summaries Received Into Evidence
	INSTRUCTIONS CONCERNING DELIBERATIONS
3.1	Duty to Deliberate
3.2	Communication With Court
3.3	Return of Verdict
	DAMAGES
5.1	Damages – Proof
5.2	Measures of Types of Damages
5.3	Damages – Mitigation

CACI No.	Instruction
	CONTRACTS
300	Breach of Contract – Introduction
303	Breach of Contract – Essential Elements
350	Introduction to Contract Damages
351	Special Damages
354	Owner’s Damages for Breach of Contract to Construct Improvements on Real Property
358	Mitigation of Damages
361	Plaintiff May Not Recover Duplicate Contract and Tort Damages
	NEGLIGENCE/PROFESSIONAL NEGLIGENCE
400	Essential Factual Elements
600	Standard of Care
602	Success Not Required
405	Plaintiff’s Contributory Negligence
406	Apportionment of Responsibility
413	Custom or Practice
430	Causation: Substantial Factor
432	Causation: Third Party Conduct as Superseding Cause

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Dated: March 16, 2009

LONG & LEVIT LLP

By



JOHN B. SULLIVAN
Attorneys for Defendant
MBH ARCHITECTS, INC. aka
McNULTY BRISKMAN HEATH

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